

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

**Statement of Reasons for Variation of Repairing Standard Enforcement Order
Housing (Scotland) Act 2006 Section 25**

Chamber Ref: FTS/HPC/RP/18/0150

Property: 80 St Andrew Street, Galashiels, TD1 1DY, registered in the Land Register under title number SEL2271 ('The House')

The Parties:-

Lee Miles residing at 80 St Andrew Street, Galashiels TD1 1DY ('the Tenant')

Graeme Sloan St John, 9 Walter Street, Wishaw ML2 9LQ and Stephen John Robert Wight, 73 Mossneuk Park, Wishaw, ML2 8LX ('the Landlords')

The Key Place, 6 Bank Street, Penicuik, EH26 9BG ('the Landlords' agent)

Tribunal Members:

Mary-Claire Kelly (Legal Member/Chairperson)

Greig Adams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal") determines that the Repairing Standard Enforcement Order ("RSEO") relative to the house dated 30th April 2018 should be varied to allow the Landlord until **7th October 2018** to complete the works required by the order.

Reasons for Decision

1. The Tribunal made a RSEO in respect of the house on 30th April 2018.
2. The RSEO required the Landlord:
 - a) To instruct a suitably qualified roofing contractor to carry out works to the roof of the house to ensure that there is no water ingress into the house;
 - b) To carry out works to dry out the walls in the kitchen and living room of the house to ensure that damp meter readings in those rooms are within the

- normal range;
- c) To carry our works to repair any damage to the internal decoration in the property as a result of water ingress.
 - d) The Tribunal ordered that the works be carried out within six weeks of service of the RSEO.
3. The Ordinary Member re-inspected the property on 31st July 2018. The Ordinary Member found that various roofing works had been undertaken which had addressed the water ingress into the house. The Ordinary Member also found that internal decoration works had been progressed to an acceptable standard. Accordingly paragraphs (a) and (c) of the RSEO had been complied with in full.
 4. The Ordinary Member noted two small elevated moisture readings, one adjacent to the consumer unit in the living room and a further area on the left hand side of the rear kitchen wall.
 5. The Ordinary Member's report was circulated to the parties. The Tenant responded on 10th August 2018 to advise that he did not feel it would be appropriate to grant a Rent Relief Order as the roof had been fixed.
 6. The Landlord's agent responded on 21st August 2018. They advised that the elevated moisture reading in the living room would be addressed by ensuring that the door was kept open for extended periods and by use of a mini dehumidifier in the area. They also advised that tiles would be removed to the rear kitchen wall to allow the wall to dry out, before being re-tiled. The Landlord's agent advised that these works were ongoing.
 7. The Tribunal considered it reasonable in the circumstances to extend the period of time to complete the works to 7th October 2018 to allow the Landlord to undertake the proposed works in respect of the two areas of elevated moisture readings. The Tribunal were satisfied that section 25(3) of the Act applies.

Right of Appeal

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may appeal to the Upper Tribunal for Scotland on a point of law only.

Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Chairperson Mary-Claire Kelly

Date 4 September 18